

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BERNARD FRACTION,

Plaintiff,

vs.

DOUGLAS COUNTY ATTORNEY'S
OFFICE, THERESIA URICH,
DOUGLAS COUNTY TREASURER'S
OFFICE, JOHN EWING, Treasurer;
DIRECTOR OF PUBLIC
PROPERTIES, DENNIS
ROOKSTOOL, TIM DOLAN, and
RICHARD KOPF,

Defendants.

8:19CV192

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis. [Filing 17](#). Plaintiff filed a Notice of Appeal on March 26, 2020. [Filing 16](#). Plaintiff appeals from the court's Memorandum and Order and Judgment dated February 26, 2020, in which the court dismissed this matter without prejudice. Filings [14](#) & [15](#).

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not

taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding

The court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Appeal in Forma Pauperis, [Filing 17](#), is granted.

Dated this 27th day of March, 2020.

BY THE COURT:



John M. Gerrard
Chief United States District Judge